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A discussion of the law of torts from the standpoint of defendant's duty is certainly helpful, though as suggested by Stevenson, V. C., in the New Jersey case last cited, it is sometimes even more helpful to start from the standpoint of the right claimed by the plaintiff.

Possibly a future edition, in which a statement of the duty should be followed by an equally concise statement of the right infringed, might be even more useful.

The book is rather strong food for the student, but it is of great value both to him and to the practitioner.

THE LAW OF PRIVATE PROPERTY IN WAR, WITH A CHAPTER ON CONQUEST.  
By NORMAN BENTWICH. London: Sweet & Maxwell, Ltd. 1907. pp. xii, 151.

Reasoning from the principle that philosophy lags always behind the facts, perhaps one strong indication that world thought is well nigh ready to endorse world peace, is the recent multiplication of treatises upon the amelioration of the laws of war. Among such books, the Yorke Prize Essay for 1906, by Mr. Norman Bentwich, is an interesting contribution.

Mr. Bentwich frankly avows that his volume is largely but a compilation from Westlake, Hall, Wheaton, Oppenheim, Snow and Tudor. Its merit is that it presents, compactly and clearly, one subject, the law of private property in war. Sufficient of history is given and enough cases are cited to free the discussion from any charge of being merely theoretical. At the same time, the argument is not made heavy and prolix by parade of learning. In case citation, Mr. Bentwich makes much use of American decisions, recognizing that from the beginning the American Courts have freely accepted and enforced the law of nations.

This essay is especially concerned with present usages and tendencies. It deals exclusively with the law affecting private persons and aims to cover the effects of war, in all of its relations to private property, of enemies, as well as of neutrals, and both on land and on sea. While it thus points out the usages as they exist, it also braves criticism by declaring particular practices to be obsolete, and it even suggests steps of reform where it has argued that present practice violates the underlying principles of modern usage.

Among reforms advocated are the abolition of prize money, the adoption by English and by American courts of the French principle as to enemy domicile, and of the French rule requiring actual notification of a blockade, compensation to neutral owners for innocent cargo destroyed on an unarmed vessel of the enemy, the exemption of mail steamers from capture, the classification of contraband of war by an international commission, and even the limitation of the area over which the belligerents may exercise the rights of visitation and search. (Pages 96, 97, 133, 134, 137, 138.) These modifications are suggested in the belief that they, if adopted, will make sea war as humane respecting the capture of private property, as is war upon land.

It is an interesting illustration of national limitations that the same writer who advocates so many important and far-reaching improvements is opposed to the proposition that all private property of the belligerents, at sea, should

be immune, provided only that it be not contraband. Were Mr. Bentwich an American writer he would doubtless endorse this most important next step, which the United States has favored throughout her history. Being an English author, under the influence of British tradition and teaching, he argues rather elaborately, considering his usual meritorious brevity, to the conclusion that "as a general rule, both from a moral and from a practical standpoint, England is justified in adhering to the present rule," *i. e.*, confiscation of enemy's property on the sea, regardless of its peaceful character (Chap. vii.).

Perhaps the most suggestive chapter in the book is that upon "Conquest and Private Property" (Chap. vi.), wherein the responsibility of the conqueror to property owners and to creditors of the conquered territory is ably discussed in the light of many modern instances.

#### REVIEWS TO FOLLOW:

ACT OF STATE IN ENGLISH LAW. By W. HARRISON MOORE. London: John Murray. 1906. pp. xi, 178.

AMERICAN CONSULAR JURISDICTION IN THE ORIENT. By FRANK E. HINCKLEY. Washington: W. D. Lowdermilk & Co. 1906. pp. xx, 283.

THE PHILOSOPHY OF PROOF. (In its Relation to the English Law of Judicial Evidence.) By J. R. GULSON. London: E. P. Dutton & Co. 1907. pp. xv, 496.

MARKETABLE TITLE TO REAL ESTATE, BEING ALSO A TREATISE ON THE RIGHTS AND REMEDIES OF VENDORS AND PURCHASERS OF DEFECTIVE TITLES (AS BETWEEN THEMSELVES). Second Edition. By CHAPMAN W. MAUPIN. New York: Baker, Voorhis & Co. 1907. pp. lxxvi, 910.

HANDBOOK OF THE LAW OF PRIVATE CORPORATIONS. By WILLIAM L. CLARK, JR. Second Edition. By FRANCIS B. TIFFANY. St. Paul: West Publishing Co. 1907. pp. xvi, 721.

LAW: ITS ORIGIN, GROWTH AND FUNCTION, Being a Course of Lectures Prepared for Delivery before the Law School of Harvard University. By JAMES COOLIDGE CARTER. New York and London: G. P. Putnam's Sons. 1907. pp. vii, 355.

THE SEIGNIORIAL SYSTEM IN CANADA. By WILLIAM BENNETT MUNRO. New York: Longmans, Green & Co. 1907. pp. xiii, 296.

HANDBOOK OF THE LAW OF SURETYSHIP AND GUARANTY. By FRANK HALL CHILDS. St. Paul, Minn.: West Publishing Co. 1907. pp. x, 572.

HANDBOOK OF THE LAW OF EVIDENCE. Second Edition. By JOHN JAY McKELVEY. St. Paul, Minn.: West Publishing Co. 1907. pp. xvii, 540.

A TREATISE ON THE LAW OF NATURALIZATION OF THE UNITED STATES. By FREDERICK VAN DYNE. Washington: Frederick Van Dyne. 1907. pp. xviii, 527. The Lawyers' Co-operative Publishing Co., Selling Agents, Rochester, N. Y.

ALGER & SLATER ON THE NEW YORK EMPLOYERS' LIABILITY ACT. Second Edition. Albany, N. Y.: Matthew Bender & Co. 1907. pp. xlvii, 291.

VOLUME 2. INDEX-DIGEST OF NEW YORK COURT OF APPEALS DECISIONS. 1902-1907. By COLIN P. CAMPBELL. Albany, N. Y.: Matthew Bender & Co. 1907. pp. 282.

A TRUSTEE'S HANDBOOK. By AUGUSTUS PEABODY LORING. Third Edition. Boston: Little, Brown & Co. 1907. pp. xxxvi, 224.